



California Fair Political Practices Commission

May 20, 1987

Elisabeth A. Ahart
Interim City Administrator
City of Marysville
P.O. Box 150
Marysville, CA 95901

Re: Your Request for Advice
Our File No. I-87-124

Dear Ms. Ahart:

You have requested our assistance regarding your city's need to amend its conflict of interest code adopted under the provisions of the Political Reform Act.^{1/}

QUESTION

Must the conflict of interest code for the City of Marysville be amended at this time to reflect changes in the law?

CONCLUSION

Since the City of Marysville incorporated into its code the Commission's Regulation 18730 (the required provisions of codes), your code will always be up to date with legislative changes. However, it may be appropriate for you to amend Appendix A of your code if it does not reflect the current organizational structure of the city or does not cover individuals who are in decision-making capacities.

ANALYSIS

Section 87302 details the required provisions of conflict of interest codes. Codes basically consist of two parts:

1. The body of the code, which contains the basic provisions including the manner of reporting financial interests and the procedure for filing statements of economic interests; and

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

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2. The appendix to the code, which lists the designated employees of your city and the corresponding disclosure categories for each position.

The Commission developed Regulation 18730, which contains the required provisions for the body of the code. Since your city has incorporated Regulation 18730 into its code, all changes to the financial disclosure provisions of the Political Reform Act are automatically made part of your code. The body of the code will always be up to date and in compliance with the law.^{2/}

The second part of your code, the list of designated employees and the disclosure categories, must be amended when change is necessitated by circumstances within the city. Such amendments are to be submitted to your code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent.

Any amendments to your code must be approved by your city council as the code reviewing body. (Sections 82011(c), 87303.) Review and approval of your code must be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views. (Section 87311.) While the Fair Political Practices Commission does not have the authority to tell you how many days notice would be "adequate," it is our recommendation that you allow at least 30, and preferably 45, days for submission of comments.

I hope this has been helpful to you. Should you have any additional questions or need further assistance, please feel free to call me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

By: Jeanette E. Turvill
Legal Assistant, Legal Division

JET:km
Enclosure

^{2/} Regulation 18730 has just recently been amended to reflect revisions to the Act. A copy is attached.

87-124



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526 "C" Street • P.O. Box 150 • Marysville, CA 95901 • (916) 741-6633

April 10, 1987


Ms. Linda K. Moureaux
Technical Assistance and
Analysis Division
The Fair Political
Practices Commission
P. O. Box 807
Sacramento, CA 95804-0807

Dear Linda:

Would it be possible to have an Analyst in your Department review our Conflict of Interest Code to see if it should be amended because of changes in laws, etc.?

Thanks for your assistance; I appreciate it!

Very truly yours,


Elisabeth A. Ahart
Interim City Administrator

aaa/3709A
Enclosure R. 80-57 and attachments



California Fair Political Practices Commission

April 23, 1987

Elisabeth A. Ahart
Interim City Administrator
P.O. Box 150
Marysville, CA 95901

Re: 87-124

Dear Ms. Ahart:

Your letter requesting advice under the Political Reform Act was received on April 14, 1987, by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jeanette Turvill, in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).) You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths
General Counsel

DMG:plh